

JUL 28 2006

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

FOR THE NINTH CIRCUIT

URBANO BARRAGAN GUTIERREZ;
REINA LOPEZ DE BARRAGAN,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 05-71658

Agency Nos. A95-592-398
A95-592-399

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted July 24, 2006**

Before: ALARCÓN, HAWKINS, and THOMAS, Circuit Judges.

Urbano Barragan Gutierrez and Reina Lopez De Barragan, married natives
and citizens of Mexico, petition for review of the Board of Immigration Appeals'
("BIA") order affirming without opinion an immigration judge's ("IJ")¹²

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

decision denying their applications for cancellation of removal. We dismiss the petition for review.

We lack jurisdiction to review the IJ's discretionary determination that the petitioners failed to show exceptional and extremely unusual hardship, and thus do not consider the petitioners' contention that the IJ abused its discretion by failing to consider the hardship factors in the aggregate. *See Martinez-Rosas v. Gonzales*, 424 F.3d 926, 930 (9th Cir. 2005).

We also lack jurisdiction to evaluate whether the BIA's decision to affirm the IJ's order without opinion was appropriate, where the denial of relief was based on the IJ's discretionary decision that the petitioners failed to establish exceptional and extremely unusual hardship. *See Falcon Carriche v. Ashcroft*, 350 F.3d 845, 854 (9th Cir. 2003).

PETITION FOR REVIEW DISMISSED.